

COL. STEWART BARRED FROM OIL HEARING

Commissioner Jacobs Rules Him Out After a Big Row.

SESSION THEN PUT OFF

Personal Remarks Hinting at Motives Exchanged in Court.

Col. Robert W. Stewart, one of the leaders in the suit of the Standard Oil Company against the Waters-Pierce Oil Company, who has also been appearing as counsel for the Standard Oil interests during the absence of Daniel Kirby, was ruled out of the proceedings as counsel yesterday by Commissioner A. L. Jacobs.

This action on the part of the Commissioner followed a heated altercation among Mr. Jacobs, Col. Stewart and the New York counsel for the Waters-Pierce interests, in which personal remarks reflecting on motives were passed.

Counsel for the Waters-Pierce people asked that Frederick Geller, who has been appearing in an advisory capacity for the Standard Oil counsel at the New York hearings, be allowed to go on with the case in place of Col. Stewart.

Mr. Geller, after a secret conference with Col. Stewart, told the court that he did not feel competent to examine the witnesses in regard to the affairs of the Standard Oil Company and suggested that if the Commissioner "persisted" in his ruling the hearing be adjourned until Mr. Kirby should be at liberty to attend.

Consequently the hearing was adjourned until October 3 at 11 o'clock. Depositions in the case will continue to be taken, however, in Chicago, beginning next Monday.

Richard C. Veit, secretary of the Standard Oil Company of New York, was on the stand. He was being questioned by counsel for the Waters-Pierce interests.

Q. Do you still persist in the statement that prior to the dissolution of the Standard Oil Company of New York was not, through its purchasing department, buying oil in Texas? A. Yes.

"I don't ask you for what you find," counsel interrupted.

"I ask the Commissioner whether or not this witness is to be protected," shouted Col. Stewart.

"Just remember that you're not talking to some one in Brooklyn," suggested the Commissioner, "counsel has a right to interrupt the witness whenever he thinks the witness is not answering the question."

"If Mr. Stewart doesn't know how to conduct himself, I think we had better adjourn the hearing," said the examining counsel.

"I consider Col. Stewart's conduct improper," said the Commissioner, and I resent it. If he continues in this way I shall be obliged to ask him to retire."

"I should like to see any one put me out of this court," retorted Col. Stewart, who, by the way, is a large man.

The question was again put in spite of Col. Stewart's protestations and the witness had again started to explain his answer of yes when examining counsel burst in with, "Mr. Commissioner, must this witness answer my question or must he not?"

"He must answer the question," said the Commissioner, "when he is asked a question we object to his giving a history of the world."

"I understand that you object to anything that counsel objects to," said Col. Stewart.

"That settles it," retorted the Commissioner. "I now rule that you have no further standing before this court as counsel."

ALLIANCE REALTY DIVIDEND.

Usual Quarterly and an Extra One of 8 Per Cent. Declared.

At a meeting of the board of directors of the Alliance Realty Company, held yesterday, the usual quarterly dividend of 2 per cent. was declared, payable to stockholders of record at the close of business on October 5, 1912. The statement for the first nine months of 1912, the last few days of September being estimated, showed net earnings after payment of all expenses of \$200,000.

The board of directors also declared a further dividend of \$100,000, equal to 8 per cent. upon the outstanding capital stock of \$2,000,000, same being payable in installments of 2 per cent. each to stockholders of record at the close of business on January 4, April 2, July 2 and October 2, 1913, and ordered set aside a reserve of \$100,000 from the undivided profits for this purpose. The remaining undivided profits of the company, after deducting such reserve, are approximately \$1,025,000.

DONNER HEADS CAMBRIA STEEL.

Elected to Presidency After Charles S. Price Resigns.

At a special meeting of the Cambria Steel Company held in Philadelphia yesterday the resignation of President Charles S. Price, presented last week, was formally accepted. W. H. Donner of Pittsburgh was elected to succeed him. He will continue to reside in that city.

J. L. Repole was elected vice-president. He is present assistant to the president.

VETERANS IN WAR TIME CAMP.

Survivors of 40th N. Y. V. Have Unusual Setting for Reunion.

DUNKIRK, N. Y., Sept. 26.—When the veterans of the Forty-ninth New York Regiment of Volunteers held their annual reunion in Fredonia today the grounds about Edgar A. Wilder's home took on the appearance of an army camp in war time. The flag of the Sixth Army Corps flew above the tents and a campfire of old rails blazed brightly. A cannon on a bluff in front of the camp covered the approaches from the valley below.

Only thirty-four veterans rallied to the standard, but their families and members of other regiments brought the attendance up to 300. The secretary of the association has a list of 123 survivors of the Forty-ninth.

The following officers were elected: President, F. C. Barger of New York; vice-president, Mrs. Mattie E. Ruler of Dunkirk, widow of Conrad Jacob Ruler; secretary and treasurer, N. R. Thompson of Jamestown; chaplain, A. H. McKelvey of Warren, Pa.

F. L. CROCKER GETS ANOTHER WARRANT FOR CHALMERS

Attorney Charges Alleged Bomb Sender With Mailing Threatening Letters.

Frank L. Crocker of the law firm of Crocker & Wickes, 5 Nassau street, who caused the arrest on September 13 of James Chalmers of 75 West Ninety-second street, a former employee, on the charge of having sent him a bomb through the United States mail, yesterday filed a warrant for Chalmers under the State law which makes it a misdemeanor to send or deliver letters threatening the person or property of another.

The bomb case against Chalmers is being prosecuted by the Federal authorities, and he is out on \$1,000 bail pending trial of the case.

Last Christmas Mrs. Crocker received in her home at Brookville, L. I., an unsigned letter which stated that the writer would do away with her husband within a year. Fifteen letters to Mr. and Mrs. Crocker followed this, all of which were threatening.

On September 8 Mr. Crocker and his family returned from a long trip to Europe, and found in his accumulated mail a long package containing gunpowder and bullets, and the case was sent to the Federal authorities. The arrest of Chalmers followed.

Mr. Crocker yesterday showed the bundle of letters threatening to end his life to Magistrate Barlow, and the warrant was issued.

CANADA'S NAVAL POLICY.

One or Two Dreadnoughts for British Empire, It Is Said.

OTTAWA, Sept. 26.—A Winnipeg despatch to-night says that in his speech at the opening of the by-election campaign in MacDonald constituency, near Winnipeg, last night, the Manitoba Premier, Sir Edmond Roblin, announced Premier Borden's naval policy by saying that he knew Mr. Borden had pledged himself to provide funds for one or two dreadnoughts to be constructed at the earliest possible moment and placed at the disposal of the British Admiralty, and this pledge will have to be fulfilled.

MORE RUBBER IN OUR BOOTS.

Promised When United States Grows More Raw Material.

This country now leads the world in manufacturing rubber, and it is chiefly for that reason that the third international rubber show is being held in this city at the Grand Central Palace. There are three exhibits at the show which indicate that this country before many years will also be a big factor in the production of rubber.

The General Rubber Company, a subsidiary of the United States Rubber Company, is now interested in growing rubber. It has plantations in Sumatra which when they are fully developed promise to rival those of Ceylon and the Malay States. The Philippines, too, are to grow rubber. There are several plantations in Moro Province, Mr. J. W. Strong first planted rubber in Moro.

In the Hawaiian Islands, too, the rubber is being grown and these who are attending the show from these islands declare that before many years they will rival other rubber growing centers.

"W. F. Bass of the United States Rubber Company said yesterday that if manufacturers could get more rubber they would put more in the articles they turn out and there would be more rubber in the rubber boots than now."

This will be Ceylon day at the show. E. Crocker-Rolles, commissioner from the Government of Ceylon, has sent out many invitations to those interested in rubber to visit the show, and particularly the Ceylon exhibit, where not only rubber but tea, spices, coconuts and lots of other things are grown and which are on exhibition.

The session of the rubber conference yesterday was the largest of the week. At the morning session E. A. Barter gave a brief history of the rubber industry in Ceylon. He said that the large fire insurance companies of the world have been exerting all their influence to have the city fire department provided with high grade hose that would not fail at critical times. He pointed out that the last two big downtown fires showed the necessity of having high grade hose.

In the afternoon the commercial possibilities of synthetic rubber were discussed by Dr. Arthur E. Hoffer of Boston, a descendant of Carl Otto Weber, the father of rubber trade chemistry.

STILLMAN TELLS SUGAR PROFITS BEFORE MERGER

Former Official of American Sugar Company Testifies at Yesterday's Hearing.

LOW PRICES AN ISSUE

\$800,000 Trust Certificates Given to Bay State Co. Stockholders Explained.

Joseph L. Stillman, formerly connected with the American Sugar Refining Company, testified at yesterday's hearing in the Government's dissolution suit against the sugar trust that there never was a time before the merger in 1887 when a capable refiner could not make a decent profit out of the sugar industry.

This was the point that Assistant United States Attorney James H. Knapp has been persistently endeavoring to bring out since the resumption of the hearings before Special Examiner Wilson B. Brien in the Federal Building. Mr. Stillman's statement was in effect a flat denial of the assertions made by the American Sugar Refining Company and the other defendants in their answer to the Government's suit. In this denunciation, filed immediately after the institution of the suit in 1910, the defendants claimed that the merger had been formed for the purpose of rehabilitating the sugar business, which prior to the combination had been steadily going to pieces with low prices due to competition.

Every step of the examination preceding this part of the witness's testimony was marked by friction between Attorney Knapp and Frank L. Crawford, lawyer for the American Sugar Refining Company. The conflict continued intermittently throughout the hearing, and the witness, on the occasion, which was more than usually dull and statistical.

Mr. Stillman began his testimony by stating that he is not connected with the Warner Sugar Refining Company, of Edgewater, N. J., which is considered one of the competitors of the American Sugar Refining Company. He said that for about ten years after the formation of the sugar merger he acted as manager of the various Boston companies taken into the combination.

In answer to certain questions put by Attorney Knapp the witness admitted that at the formation of the Sugar Refineries Company, the predecessor of the American Sugar Refining Company, the witness turned over his stock in the Bay State Sugar Refining Company, with which he was then connected, and received in place thereof certificates of the American Refineries Company.

He further admitted that no actual appraisal was made on which to base this transfer of stock. He said that the \$800,000 in trust certificates turned over to the Bay State company's stockholders merely represented the value of the plant and its earning capacity.

Attorney Knapp later asked that this part of the witness's testimony be stricken out. His request met with an objection from the defense, Attorney Crawford moved for the striking of the testimony leading to due deliberation and had been answered under the same conditions.

To prove that the \$800,000 worth of trust certificates was not excessive Mr. Crawford read a portion of the testimony taken last year before the Congressional investigating committee showing the value of the Bay State plant to be \$57,411 exclusive of good will, stock on hand and other minor assets.

A considerable part of yesterday's session was taken up with the testimony of Wallace P. Willett, sugar broker and stationer of the firm of Willett & Gray, who will resume the stand at 10:30 o'clock this morning.

DR. MORRISON IN SANITARIUM.

Goes From County Hospital to Whitestone by Judge Dike's Order.

The Rev. Dr. William Morrison, secretary of the inebrity board, is now under treatment at Breezewood Terrace, a sanitarium at Whitestone, L. I., to which he was taken on Wednesday from the psychopathic ward of the Kings County Hospital.

It was on the application of the minister's wife, to which were attached certificates of the family physician and another alienist, that county Judge Dike in Brooklyn signed an order committing him to the sanitarium. Dr. C. R. Lewis, who is in charge of the institution, said yesterday:

"Dr. Morrison's trouble was due solely to overwork. He simply couldn't stand the strain and it brought the resultant breakdown. There is nothing serious the matter with him and he will be himself again in a short time."

ROCKEFELLER TABLET TO STAND.

He Withdraws Objections and Then Gives Village \$10,000.

TARRYTOWN, N. Y., Sept. 26.—William Rockefeller announced this morning that he had withdrawn his objections to the wording on the tablet to be placed on the new Washington Irving Memorial Bridge and that it could stand. Besides he gave the village \$10,000 as his share of the cost of erecting North Broadway.

The present tablet reads that it is a memorial to Washington Irving, whereas Mr. Rockefeller thought it should be inscribed the "Headless Horseman Bridge, Erected in Memory of Washington Irving."

When he saw the tablet yesterday on his way home from New York he ordered his chauffeur to drive home hurriedly. Then he ordered a smaller car and, being his wife, he drove down and stopped the work.

MR. DIMOCK LEFT \$2,660,826.

Appraiser Takes It That Yale Will Get the \$1,867,229.

Henry F. Dimock, the steamship owner, who married a sister of the late William C. Whitney and who died at 25 East Sixty-third street on April 10, 1911, gives a contingent bequest of \$1,867,229 to Yale University, according to the transfer tax appraisal of his estate filed yesterday. The likelihood that the legacy will pass to the university is regarded as a certainty in the transfer tax proceeding and the amount is taxed as a gift to the university.

The amount named is the residuary estate, which is left in trust for the widow, Mrs. Susan Whitney Dimock, and her daughter and only child, Mrs. Susan Dimock Hutchinson. The will provides that on the death of the survivor of them the entire principal is to go to the issue of the daughter, if any, and if she has no issue to Yale University. Mrs. Hutchinson has no children.

Mr. Dimock's total estate is \$2,660,826. The net estate \$2,368,542. The house he lived in is valued at \$200,000 and his other real estate, at 66 West Thirty-seventh street, at \$40,000.

The personal estate consists largely of securities, the most valuable of which are the following: American Tobacco bonds, \$85,000; and stock, \$97,500; Dominion Iron and Steel stock, \$726,552; and bonds \$158,840; two shares of the Cuba Company, \$50,000; Great Northern Railroad stock, \$270,848; and Great Northern Ore Properties shares, \$64,854; Knickerbocker Trust stock, \$35,977; Manhattan Railroad, \$75,775; and New Haven stock, \$147,600. Mr. Dimock owned 1,745 shares of the Dolores Montezuma Mining Company which are set down as of no value.

Mr. Dimock's personal effects, jewelry, paintings, bric-a-brac and art works are appraised at \$71,512 and include the following: 810 books, \$2,430; antique tapestries, \$14,500; Florentine window draperies, \$2,450; antique gold sofa with Aubusson top, \$11,000; antique gold Bergères, \$6,000. The contents of his drawing room were appraised at \$25,347 and of his dining room at \$21,493. His jewelry was valued at only \$250. At the time of his death he owed \$122,093 to the Knickerbocker Trust Company on a loan.

Mr. Dimock left \$298,312 in direct bequests to his widow and \$125,000 to his daughter. He gave \$40,000 to the South Coventry, Conn., Library Association and \$15,000 to his nephew, Daniel W. Dimock. The appraisal shows that a few days before his death he gave his wife \$108,000 in money.

FUNERAL AND TOMB, \$101,302.

John H. Harbeck's Total Estate Appraised at \$3,029,802.

John H. Harbeck, who was a resident of New York some years ago and later went to Colorado and made a fortune, will have a tomb in Woodlawn Cemetery costing \$40,000. The cemetery plot cost \$80,000. The total cost of his funeral and burial will be \$101,302. These figures are disclosed in the appraisal of his estate.

Mr. Harbeck died here on November 8, 1910. He left a total estate of \$3,029,802. His widow, Mrs. Kate A. Harbeck, gets the residuary estate. Mr. Harbeck had provided that if she died before he died or if he died at the same time the estate was to be used to build a tuberculosis home in Boulder, Colo. He left \$250,000 to his nephew, William H. Harbeck of South Nyack, N. Y., and \$200,000 to Alfred S. Brown of New York city.

Mr. Harbeck's estate included American Tobacco stock worth \$266,250, Allis-Chalmers Company bonds, \$119,645, and Distilling Securities corporation stock, \$252,495.

BRIDE INHERITS \$15,000.

Left by Her Grandmother on Condition That She Marry.

Bequeathed a fortune of \$15,000 by her grandmother on condition that she marry, Miss Anna Veronica Smythe of 172 West Fourth street, Bayonne, N. J., came into her inheritance yesterday when she became Mrs. Bernard Dugan.

The bequest of the fortune was summoned to the bedside of her dying grandmother in Dublin, Ireland. When she reached the bedside she was told that she had inherited an estate valued at \$15,000. There was, however, the marriage proviso.

Four Sons Get Mrs. Edlitt's Estate.

Mrs. Mathilde Edlitt, mother of Robert J. Otto M. Charles L. and Ernest F. Edlitt, left a total estate of \$108,927, of which she gave in equal shares to her sons. She died on January 19, 1911. She had jewelry valued at \$2,000, and a thousand shares of Twenty-eighth and Twenty-ninth street brownstone stock are appraised as of nominal value, but the shares of the Saline and Clair lottery are set down as valueless.

H. Audley Clark Had \$254,910.

The estate of Henry Audley Clark, who died on December 16, 1911, is appraised at \$254,910, of which \$185,981 is property in New York State and includes stock in fifteen banks and trust companies. He left \$25,000 to his son Audley of Brooklyn and divided the residuary estate among all his children.

Mrs. Julia Husted Left \$112,600.

Mrs. Julia A. Husted of 512 Fifth avenue, who died in Paris on August 1 last, left a total estate of \$112,600, of which her husband, Theodore J. Husted, received \$41,728. The rest goes to her daughters, Mrs. Carl H. de Rambouville and Mrs. Lulu H. Hubbard.

Estate to Brother and Nephew.

Miss Sarah Welch, who died on October 15, 1911, left an estate of \$171,594. Under her will a nephew gets \$79,702 and her brother Albert \$59,752.

TOASTS HIS SUICIDE AT FAREWELL DINNER

Then Edward L. Dwyer Shoots Himself Dead in Janesville, Wis.

SOLDIER OF FORTUNE

Made Fortunes Several Times, but Lost Them in Picturesque Ways.

JANESVILLE, Wis., Sept. 26.—After spending his last cent except a ten dollar bill for a dinner to old associates at the Grand Pacific Hotel, Chicago, Edward L. Dwyer, once a rich speculator on the New York stock market, came to Janesville last night, bought drinks for tramps with what remained of \$10, propped himself against the door of a private house and put a bullet through his mouth into his brain, dying instantly.

The body fell into the house when the door was opened this morning. "Here's to fame and a busted name. To-night we dine, to-morrow I die. An end to fun, with my old gun." This was his farewell toast at the Chicago dinner.

Promising his suicide as the guests departed Dwyer set out for Janesville, arriving yesterday morning. He spent all day walking around the streets, occasionally taking a poor tramp or laboring man into a saloon and buying him a drink. He said he was going to Edgerton in the evening. The police thought his conduct, while unusual, not suspicious. Dwyer said he was touring the Northwest for a Chicago grain house. He left the last of his companions about 8 o'clock last night. A little later the woman who this morning found the body, heard a revolver shot. She looked out of a window but saw nothing, and retired.

Edward Leonard Dwyer was born on a farm near Torrington, Conn. When he was 13 years old he left home and started west. Nothing was heard of him by his family for some years. He finally turned up in Mexico, where he had been prospecting.

In the course of his Mexican career he discovered a rich opal mine, sold it to a Spanish operator and with the proceeds joined in the building of the Mexican Central Railroad. When he returned to the States, in the early '80s, he had a large fortune. He joined the Chicago Board of Trade and began plunging.

In 1886 he bought futures in wheat until it was estimated that he controlled 1,000,000 bushels, all without putting up any margins. He guessed wrong on the market and went broke, some of his creditors very nearly going with him.

After this he decided to start a revolution in Venezuela. He bought a shipload of guns from French dealers and landed in Venezuela without mishap. He was succeeding well in recruiting his army when the Venezuelan Government seized his entire supply of arms and Dwyer fled to Brazil.

He next turned up in Peru, where he obtained control of several mines and came to New York to finance his operation. Then he went to London and sold large quantities of mining stock to European investors.

On January 25, 1895, he met the Duchess de Castellucci, who was spending the winter at the Indian River Hotel, Rock Lodge, Fla. They were married four days later.

The Duchess was 73 years old at the time; Dwyer was 35. The Duchess de Castellucci before her first marriage was Miss Jonnie A. Tamajo, daughter of a Brooklyn merchant. She had inherited much money from her husband and from him he had inherited property at the time of her second marriage was estimated at \$3,000,000.

Dwyer borrowed \$350,000 from her and started building a railroad to connect some of his Mexican mines. The operation needed a large amount of money. The Duchess assisted her husband in these operations until her death in 1900. She left him \$10 in cash and the title to a group of islands off the coast of Maine. These islands he later sold for \$135,000. He and a granddaughter contested the will, but it was admitted to probate after six years of litigation.

Mr. Dwyer filed a petition in bankruptcy in 1890, with liabilities of \$252,055 and no assets. Of the liabilities only \$124,555 was secured. In January of the following year it was announced that he had succeeded in floating a silver mining company with a capitalization of \$1,500,000 to operate in Mexico.

In August, 1903, he again filed a petition in bankruptcy, this time with liabilities of \$74,446 and assets of personal effects worth \$150. The liabilities in this case were all for borrowed money. Mr. Dwyer was quoted at the time as saying that he believed he could borrow money easier than any other man on earth. The claims, ranging from \$1,000 to \$53,000, represented pretty nearly all the large cities of the country.

In February last he was arrested for the stabbing of Alberto Robert, a young Porto Rican, who had been serving as his secretary. The stabbing was said to have occurred in the apartments of Mrs. Frances Carrier, mother-in-law of Daniel G. Reid, in the Bennington Corners at 100th street and West End avenue.

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FARMER SAW GIBSON ALONE IN BOAT BEFORE IT TIPPED

Says Mrs. Szabo Was Not in Sight—Defence to Attack Dr. Schultze.

Word came from Middletown yesterday that District Attorney Rogers had subpoenaed John Minturn, the farmer of Greenwood Lake who was a witness of the tragedy in which Rose Menschik Szabo lost her life.

According to Mr. Rogers, Minturn's story does not contradict that of Mrs. Hilley Brooks, another witness, or of several other persons who say they saw the woman and Burton W. Gibson on the lake together.

Minturn declares that he watched the couple on the lake on the afternoon of July 15. He saw one person stand up, but could not see another and could not tell whether there was another in the boat.

He saw this person go overboard with a splash, come to the surface of the water and swim to the side of the boat. He kept his eye on the boat and was present when the launch reached out to the particular person who turned out to be Gibson. What happened to the woman Minturn does not know; he never saw her.

Mrs. Brooks has sworn that she saw some one stand up in the boat and go overboard with a splash. She cannot tell whether it was a man or a woman. The testimony of both witnesses, it was stated, fits in with the claim of the prosecution that Mrs. Szabo was killed before she ever went into the water.

Robert E. Elder and Charles Goldsler, attorneys for the defence, spent yesterday working up the cross-examination of Dr. Otto H. Schultze, the coroner's physician, who has sworn that Mrs. Szabo was strangled with a cord, leaving an external mark on her throat.

Although the prosecution announced that they are not worried about any "Petronella Menschik" of Chicago, they admitted yesterday that they had an anonymous letter in which the name and address of this woman was given.

"We will do nothing about this," said Arpad A. Kremer, counsel for the Austro-Hungarian Consulate-General, "we do not need her, Gibson does."

Fishing Steamer Sinks at Wharf.

WILMINGTON, Del., Sept. 26.—The menhaden fishing steamer City of Lewes was sunk at her wharf at Lewes, Del., near the Delaware Breakwater, early this morning. The mishap occurred during a severe storm. The crew of thirty-three escaped. The vessel sprang a leak as a result of severe pounding against the pier.

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